



## California Water Commission Frequently Asked Questions

April 2024

### > California Water Commission Background

#### **Q: What is the California Water Commission?**

**A:** The California Water Commission consists of [nine members](#) appointed by the Governor and confirmed by the State Senate. Seven members are chosen for their general expertise related to the control, storage and beneficial use of water and two are chosen for their knowledge of the environment.

The Commission provides a public forum for discussing water issues and takes appropriate statutory actions to further the development of policies that support integrated and sustainable water resource management and a healthy environment. Statutory duties include advising the Director of Department of Water Resources (DWR), approving DWR's rules and regulations, and monitoring and reporting on the construction and operation of the State Water Project.

#### **Q: When was the Commission established?**

**A:** Today's Commission traces its roots back to the mid-1950s, when the California State Legislature created the Department of Water Resources.

In the late 1990s, all Commission terms expired, and none were renewed by the Legislature. After more than a decade of inactivity, the 2009 Delta Reform Act breathed new life into the Commission. The Commission was given some responsibility for what would later become the Sustainable Groundwater Management Act and was named in a water bond proposal that called for increased statewide water storage.

In 2010, California Governor Arnold Schwarzenegger announced nine appointments to the vacant Commission. With voter passage of Proposition 1 in 2014, the Commission was given a new responsibility, the state investment of \$2.7 billion dollars in water storage projects.

#### **Q: How are the Commission Chair and Vice-Chair selected?**

**A:** A majority of the nine members select the Chair and Vice-Chair for one-year terms.

#### **Q: Who oversees filling vacant seats on the Commission?**

**A:** If a vacancy occurs before the end of a commissioner's term, a successor is appointed by the Governor for the unexpired portion of the terms in which they occur.

#### **Q: How often does the Commission meet?**

**A:** The Commission normally meets monthly to conduct regular business. Meetings are open to the public; live meetings and archived meetings may be viewed [online](#).

### > Functions of the Commission

#### **Q: What are the goals and strategies of the Commission?**

**A:** The Commission provides a public forum for the discussion of improving water management policy to assist regions in achieving climate resiliency, considers public testimony at all Commission meetings, participates in the exchange of ideas at water conferences and events, publishes informative articles and reports, and responds to public inquiries. The Commission provides the public transparent access to information, including webcasts of its meetings on the Commission website.

The Commission confers with, advises and makes recommendations to DWR on key programs and activities, and approves rules and regulations not pertaining to the management and administration of the Department. The Commission informs the Governor and Legislature on selected statewide issues, including those actions of the Water Resilience Portfolio assigned to them. The Commission also reviews State Water Project operations and construction and provides a public forum necessary for eminent domain proceedings. The Commission then adopts resolutions of necessity for those proceedings. The Commission supports policies that result in sustainable and resilient water management and a healthy environment statewide. Specifically, through its implementation of the [Water Storage Investment Program](#), or WSIP, the Commission is investing nearly \$2.7 billion in the public benefits of water projects in California.

#### **> The Commission's Role in Proposition 1: Water Storage**

##### **Q: How is the Commission involved in water storage projects?**

**A:** In November 2014, California voters overwhelmingly passed Proposition 1: The Water Quality, Supply and Infrastructure Improvement Act. The \$7.5 billion water bond dedicated \$2.7 billion for investments in the public benefits of water storage projects and designated the California Water Commission as the agency responsible for allocating the funds through a competitive process. Public benefits include improvements to the ecosystem, flood protection, emergency response, water quality and recreation. In December 2016 the Commission adopted program regulations to govern the [Water Storage Investment Program](#) consistent with the specific requirements of Proposition 1.

##### **Q: When were Water Storage Investment Program decisions announced?**

**A:** At the July 2018 Commission meeting, the Commission made maximum conditional eligibility determinations, which is the amount of Proposition 1 funding available to a given project, for eight projects that would boost California's water storage capacity by 4.3 million acre-feet. The projects range from expanding existing reservoirs to boosting groundwater storage to building 21st century surface storage facilities. One project has withdrawn from the program. The seven remaining applicants must now complete the remaining Proposition 1 requirements, including final permits and final environmental documents, contracts for the administration of public benefits, and contracts for non-Proposition 1 funding before returning to the Commission for a final award hearing.

#### **> The Commission's Role in the State Water Project**

##### **Q: What role does the Commission have regarding the State Water Project?**

**A:** As required by Water Code section 165, the Commission conducts an [annual review](#) of the construction and operation of the State Water Project, which is managed and operated by DWR. The Commission submits the annual review to the California State Legislature and the Director of DWR, along with any recommendations it may have.

#### **> The Commission's Role in Eminent Domain Proceedings**

##### **Q: What role does the Commission play in DWR's eminent domain proceedings?**

**A:** The Commission must adopt a resolution of necessity before DWR may commence an eminent domain proceeding. The Commission's resolution process gives each affected person an opportunity to be heard before DWR can begin the eminent domain proceeding.

##### **Q: How does the Commission determine the necessity of eminent domain proceedings?**

**A:** The Commission uses four criteria to determine the necessity of eminent domain:

- Whether the property in question is necessary for the project;
- Whether the property being acquired is in the best interest of the public;

- Whether the property offers the greatest public benefit with the least private detriment; and
- Whether DWR has made an offer to purchase the property from the owner in accordance with government regulations.

### > **The Commission's Role in the Sustainable Groundwater Management Act**

#### **Q: Why is the Commission involved in groundwater regulations?**

**A:** In 2014, California Governor Jerry Brown signed three bills that collectively created the Sustainable Groundwater Management Act (SGMA). DWR was tasked with implementing portions of SGMA. As with all DWR regulations, the Commission must approve the regulations related to SGMA.

#### **Q: What is SGMA?**

**A:** SGMA is a framework for sustainable groundwater management that requires local governments and water agencies that manage high- and medium-priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline.

#### **Q: What role does the Commission have in the implementation of SGMA?**

**A:** The Commission approves SGMA regulations through a public process that allows for public comment. Additionally, statute and regulations give the Commission a public forum role, to hear and comment on draft basin boundary changes that could have implications on basin priority and Groundwater Sustainability Plan preparations.

#### **Q: What groundwater regulations have come before the Commission?**

**A:** The Commission approved the following SGMA regulations:

- Basin Boundary Regulations (Water Code 10722.2) – approved on October 21, 2015
- Groundwater Sustainability Plan (Water Code 10733.2) – approved May 18, 2016

### > **The Commission's Role in the Water Resilience Portfolio**

#### **Q: What does the Water Resilience Portfolio direct the Commission to do?**

**A:** Action 19.4 directed the Commission to assess a state role in financing conveyance projects that could help meet needs in a changing climate.

After successfully completing Action 19.4, the Commission was asked by the Secretaries for Environmental Protection, and Food and Agriculture, and Natural Resources to support two additional actions:

- Action 3.6 calls on the State to create flexibility for groundwater sustainability agencies to trade water within basins by enabling and incentivizing transactional approaches, including groundwater markets, with rules that safeguard natural resources, small- and medium-size farms, and water supply and quality for disadvantaged communities.
- Action 26.3 calls on the State to develop strategies to protect communities and fish and wildlife in the event of drought lasting at least six years.

#### **Q: What steps did the Commission take in assessing these actions?**

**A:** The Commission gathered information from interested parties representing the water industry, agriculture, environmental groups, under-represented communities, academia, and other interests to help frame the discussion of each topic. The Commission held expert presentations at its

monthly meetings, hosted public workshops, and conducted outreach by making presentations at the meetings of various interest groups. The Commission encouraged broad participation, with the goal of learning from diverse voices across the state.

**Q: What will the Commission do with their findings?**

**A:** The Commission used the information gathered from experts, interested parties, and the public to produce a white paper for State policymakers on each topic. The white papers can be found here:

- [State Role in Financing Conveyance Projects to Meet Climate Change Needs](#)
- [State Role in Supporting Groundwater Trading with Safeguards for Vulnerable Users](#)
- [Potential State Strategies for Protecting Communities and Fish and Wildlife in the Eveny of Drought](#)